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Evolution of Case in Libyan Shooting

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FORT COLLINS, Colo. Dec. 3 — At 7:32 P.M. on Oct. 14, 1980, the dispatcher at the Fort Collins Police Department received a call reporting a family disturbance at an apartment on South Shields Street, not far from the campus of Colorado State University.

Such calls are not unusual in this northern Colorado community of 66,000 people, a college town and one of the fastest growing cities in the state. But when officers arrived at the scene it was quickly apparent that things were not as first reported.

"As soon as I got there I realized this was no family fight," said Sgt. Ray Martinez, 29 years old, a Fort Collins police detective. "A foreign student had been shot, and right away alarm bells went off in my head. I had a feeling this was something pretty big."

It was indeed. The victim in the shooting was a 35-year-old Libyan national named Faisal Zagallai, and subsequent investigation was eventually to lead Sergeant Martinez and the 80-man Fort Collins Police Department deep into the shadowy world of international espionage and assassination.

Along the way, they encountered the Central Intelligence Agency, former spies and gun runners and grizzled former Green Beret mercenaries, all of them somehow entangled into suspicions of a complex plot of international murder for hire that led directly back to the shooting last year in Fort Collins.

"Two Murders a Year"

"We get maybe two murders a year in Fort Collins," said Sergeant Martinez. "And believe me, this is our first international case."

Over a period of months, and with the off-and-on cooperation of the Federal authorities, the police eventually arrested Eugene Aloys Tafoya, 48, a decorated Vietnam War hero who the au-

thorities say was hired by Libyan officials to assassinate Mr. Zagallai. Federal officials say Mr. Zagallai was marked for elimination as a persistent critic of the regime of the Libyan leader, Muammar el-Qaddafi.

After a three-week trial, Mr. Tafoya's fate was placed Wednesday in the hands of a Larimer County jury, which must decide whether he was a professional hit man who, as prosecutors charge, bungled an attempt to kill Mr. Zagallai last year. Wounded twice in the head by a .22-caliber pistol wielded by Mr. Tafoya, the former Colorado State student survived the attack, but lost the vision in his right eye.

Mr. Tafoya testified that not only did he shoot Mr. Zagallai in self-defense in a struggle, but that he also believed at the time he was on a secret assignment from the C.I.A. His orders were not to kill the student, Mr. Tafoya testified, but rather to "rough up" Mr. Zagallai.

Eventually, the Larimer County prosecutor, Stu Van Meveren, a rock-jawed man more comfortable with burglary cases than international murder-for-hire plots, decided to limit the focus of the case against Mr. Tafoya, restricting the evidence presented to the jury to the circumstances of the Fort Collins shooting itself.

But in chasing leads in the case, many of which led the authorities to a former C.I.A. agent named Edwin P. Wilson who prosecutors believe hired Mr. Tafoya to carry out the hit on behalf of the Libyan Government, Sergeant Martinez traveled to London and counseled with intelligence agency officials in Washington.

He studied international telephone records, examined a so-called "hit list" of other victims targeted for assassination and discovered among Mr. Tafoya's belongings, and pored over more than 1,500 pages of reports prepared by the Federal Bureau of Investigation detailing Mr. Wilson's contacts and associ-

ates.

Though Mr. Tafoya has been charged with conspiracy to attempt murder, no co-conspirator was named in the case, and no effort was made in the trial to directly link Mr. Tafoya to Mr. Wilson.

Meanwhile, the intelligence agency itself has closely followed the trial here. Two C.I.A. officials were among the 32 witnesses who testified, and both suggested that, contrary to Mr. Tafoya's testimony, he was never in the employ of the agency. Or least not that they can talk about.

Sergeant Martinez concedes that the investigation led him into water over his head, and some of the authorities here in Larimer County, which sits on the high plain of Eastern Colorado, against the foothills of the Rocky Mountains, have suggested that along the way, Federal officials in both the C.I.A. and the F.B.I. have provided little guidance.

Amid this never-never land of spies and international murder plots a gun belonging to Mr. Zagallai, found in the apartment the night of the shooting, was returned to the victim rather than held as evidence for trial. Defense attorneys have stressed the mistake over the gun, which they say Mr. Zagallai confronted Mr. Tafoya with the night on the shooting, leading to the struggle in which Mr. Zagallai was eventually shot.

The defense attorney, Walter Gerash, said that as a result certain scientific tests were never run on the gun, which might have proved Mr. Tafoya's contention that he grappled with Mr. Zagallai over the weapon.

Moreover, Sergeant Martinez conceded that, in at least two jailhouse interviews with the suspect, he failed to advise Mr. Tafoya of his rights.

Nevertheless, it was the Fort Collins police who eventually broke the case, when two youngsters discovered a gun in an irrigation ditch near town. The police traced the gun to Mr. Tafoya.